

## REMARKS

The office action postulates that, despite the lack of any support in the reference, the reference somehow teaches end functionalization. This is based on the unsupported proposition that the device of Nihey would not work otherwise. However, if Nihey would not work otherwise, then Nihey is non-enabling and is unable to function as an enabling reference.

Simply because such an element, with the benefit of hindsight, is considered necessary does not make it obvious. It is unknown whether Nihey's proposed design ever worked. It is unknown whether he ever tried to make it work. It is unknown how he would have made it work and it is indeterminate whether or not it would have worked without end functionalized carbon nanotubes.

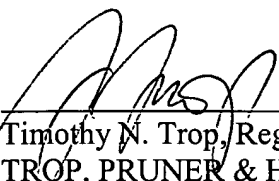
Therefore, the rejection, based on the supposition that Nihey does the same thing as the claimed invention, is unsupported since there is no basis for such a conclusion.

New claim 23 corresponds to former dependent claim 22. Again, the assertion that Nihey must have taught capless, even though he does not even show the carbon nanotubes in sufficient detail, is inappropriate. Carbon nanotubes generally have closed ends. Nihey simply says he has carbon nanotubes. He does not say to open the ends, he does not say how to open the ends, and, therefore, he does not teach open ended carbon nanotubes.

As a result, a *prima facie* rejection of new claim 23 is not made out and reconsideration is respectfully requested.

Respectfully submitted,

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Timothy N. Trop, Reg. No. 28,994  
TROP, PRUNER & HU, P.C.  
8554 Katy Freeway, Ste. 100  
Houston, TX 77024  
713/468-8880 [Phone]  
713/468-8883 [Fax]

Attorneys for Intel Corporation